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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,529	11/15/2001	Yasuhiro Hino	35.C15947	7272

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FITZPATRICK CELLA HARPER & SCINTO
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NEW YORK, NY 10112

EXAMINER

NGUYEN, MADELEINE ANH VINH

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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09/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/987,529

Applicant(s)

HINO, YASUHIRO

Examiner

Madeleine AV Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13, 14, 16-26, 28, 29, 31, 35 and 38-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-14, 16-26, 28, 29, 31, 35, 38-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11, 13-14, 16-26, 28, 29, 31, 35, 38-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nehab (US Patent No. 6,020,918) in view of Vidyanand (Publication No. US 2006/0023246).

Concerning claims 1, 44, Nehab discloses an image forming apparatus (Figs.1-2) capable of outputting an image based on data for output generated by an external apparatus on a recording medium comprising a sending unit (16, Fig.4), adapted to send, from the image forming apparatus to the external apparatus (34), acquisition information for acquiring data and layout information necessary for assigning an image based on the data to the recording medium so as to cause the external apparatus to acquire the data in accordance with the sent acquisition information and generate data for output, wherein the image based on the data for output can be accommodated based on the acquired data and the sent layout information; and an acquisition unit (17, Fig.6) adapted to acquire the data for output generated by the external apparatus (Figs.5, 7-9; Abstract; col. 5, line 34 – col. 6, line 17; col. 7, line 23 – col. 8, line 60; col. 9, line 46 – col. 10, line 44; col. 12, lines 40-63; col. 14, lines 6-58; col. 17, lines 15-18; col. 18, lines 54-59).

Nehab fails to directly teach that the layout information including information on the recording medium having predetermined size and the image based on the data for output can be accommodated in the predetermined size based on the acquired data and the sent layout information. Vidyanand discloses an apparatus and method for transferring printer driver preferences across a network between client computers (Figs.1-4) wherein the user can selectively modify the set of preferences. For instance, the user selects from a varied list of selectable options within a printer driver preferences menu wherein selected file specific options can be selected paper size (e.g., letter, legal, A4) (paragraph 0003). In addition, Fig.5 shows a set 16 of selected printer driver preference values based upon printer driver categories 47a-47n wherein 47a is for selecting page size (paragraph 0038). The paper size selection can be selected within the user interface 50 (paragraph 0043) since the user can create a plurality of sets of preferences 18 typically for different types of print jobs 21 or modify the selected page size from within the printer driver control interface 50 (paragraph 0045). Vidyanand further teaches a page layout thumbnail preview 94 providing a graphic representation of the current page layout, as a print job would be printed to an output device 26, for instance, the graphic representation in Fig.9 currently shows a portrait orientation setting 18c on letter size paper setting 18a of the page size 47a (paragraph 0049). Thus, the page layout in Vidyanand includes the predetermined size of the paper (recording medium). It would have been obvious to one skilled in the art at the time the invention was made to combine the teaching of the layout information including information on the recording medium having the predetermined size in Vidyanand to the page layout information in Nehab since both Vidyanand and Nehab teach transmitting and receiving printer driver preferences or page layout information in a client/server architecture.

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Concerning claims 2-5, 8-9, 18, 21, 24, 25, Nehab in view of Vidyanand further teaches the acquisition information for acquiring the data is information for identifying the data (claims 2, 18); the information for identifying the data is represented by URI (claim 3); a reception unit adapted to receive print instruction including the acquisition information indicating the position of storage of data and the layout information, wherein the sending unit sends to the external apparatus the acquisition information and the layout information included in the print instruction received by the reception unit (claim 4); the acquisition unit acquires the data for output through a network (claims 5, 21); the structured description language is XML or HTML (claims 8, 24); the apparatus is a printing apparatus (claims 9, 25), (col. 7, line 23 – col. 8, line 60; col. 9, line 46 – col. 10, line 44; col. 12, lines 40-63; col. 14, lines 6-58; col. 17, lines 15-18; col. 18, lines 54-59).

Concerning claims 6-7, 13, 16, 22, 23, 28, 31, 45, Vidyanand further teaches that the information on the recording medium is information indicating a sheet size or a layout direction; and the layout information is information designating a page and the acquisition unit acquires the data for output corresponding to the designated page (paragraphs 0038, 0043, 0045, 0049).

Concerning claim 10, Nehab in view of Vidyanand discloses an image forming system as disclosed in claim 1 above. Nehab further teaches a conversion unit for converting the data acquired by the acquisition unit to the data for output (col. 12, lines 46-53; col. 19, lines 46-52), a transfer unit (10), provided in the external apparatus, for transferring the data for output to the image forming apparatus; and an output unit (7), provided in the image forming apparatus, for outputting an image on the recording medium by analyzing the data for output transferred by the transfer unit.

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Concerning claim 11, Nehab in view of Vidyanand discloses an image forming system as disclosed in claims 1 and 10 above. Nehab further teaches a changing unit adapted to change the layout information received by the reception unit to layout information assigning an image (col. 7, lines 38-67; col. 9, lines 47-54; col. 18, lines 54-59).

Concerning claim 14, Nehab in view of Vidyanand discloses an image forming system as disclosed in claims 1, 10 and 11 above. Nehab further teaches a determination unit adapted to determine layout information required for assigning an image, if the reception unit receives the print instruction without any layout information (col. 9, line 46 – col. 10, line 44; col. 12, lines 40-63; col. 14, lines 6-58; col. 17, lines 15-18; col. 18, lines 54-59).

Claim 17 is method claim of apparatus claim 1. Claim 17 is rejected for the same rationales set forth for claim 1.

Concerning claims 19-20, Nehab in view of Vidyanand further teaches the information for identifying the data is represented by URI (URL), (claim 19), receiving a print instruction and sending to the external apparatus the acquisition information and the layout information included in the print instruction (claim 20), (col. 14, lines 6-35; col. 19, line 45-52).

Claim 26 is method claim of apparatus claim 11. Claim 26 is rejected for the same rationales set forth for claim 11.

Claim 29 is method claim of apparatus claim 14. Claim 29 is rejected for the same rationales set forth for claim 14.

Concerning claim 35, Nehab in view of Vidyanand discloses a program to be executed by an image forming apparatus comprising the steps disclosed in claims 17, 26 and 29.

Concerning claims 38-43, Nehab in view of Vidyanand further teaches the acquired data is described with a structured description language; wherein the external apparatus generates the data for output based on data described with a structured description language and the sent layout information (col. 13, lines 13-65; col. 16, line 66 – col. 17, line 18; col. 19, lines 24-52).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Mori et al (US Patent No. 6,417,931) discloses a print layout device and method with which all data can always be printed by ensuring that data to be printed do not extend out beyond the limits of a printable area.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

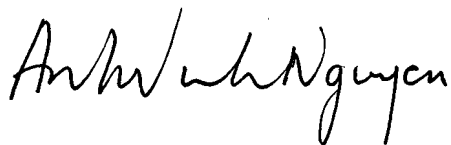
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 571 272-7466. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Madeleine AV Nguyen
Primary Examiner
Art Unit 2625

August 29, 2007